

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, May 1, 1998

DIVISION ONE

A078570 & A079301 -- In re Shawndale H. et al., Persons Coming Under the Juvenile Court Law.

The disposition order is affirmed. The case is remanded to the juvenile court for supplemental findings and further proceedings consistent with the views expressed in this opinion. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

DIVISION TWO

A077559 -- Alliance Mortgage Company v. Tigor Title Insurance Company of California.

By The Court: The petition for rehearing is denied. Kline, P.J.

A079884 -- Richard Sanders v. Nabila Tours & Cruises.

The judgment is affirmed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

Friday May 1, 1998

Court convened at 9:00 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Corrigan J., Walker J., and C. Turner, Deputy Clerk

A075671 The People
 v.
 Saysana Thepkaysone
Cause called and argued by Robert Derham, counsel for appellant,
and Deputy Attorney General, David Salmon, counsel for respondent via
tele-conference. Cause ordered submitted.

A079792 In re Saysana Thepkaysone on Habeas Corpus
Cause ordered submitted.

A078311 The People
 v.
 Earl Griffin
Cause called and argued by Philip Brooks, counsel for appellant,
and Deputy Attorney General, Martin Kaye, counsel for respondent.
Cause ordered submitted.

Justice Phelan left the bench and Justice Parrilli took her place on the
bench.

A071663 The People
 v.
 Jack Edward Cunliffe
Cause called and argued by Geoffrey Rotwein, counsel for appellant,
and Deputy Attorney General, Clifford Thompson, counsel for respondent.
Cause ordered submitted.

A079866 In re Jack Edward Cunliffe on Habeas Corpus

Cause ordered submitted.

A078293 Maurice Kanbar

A079469 v.

Joann I. Fray

Cause called and argued by James Green, counsel for appellant,
and James Kinnear, counsel for respondent.

Cause ordered submitted.

A078947 United Services Automobile Association

v.

Dollar Rent A Car

Cause called and argued by Gerald Clausen, counsel for appellant,
and Chris Laviotis, counsel for respondent and David Epstein counsel for
amicus Budget-Rent-A-Car. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

Friday May 1, 1998

Court convened at 1:30 p.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Corrigan J., Parrilli, J., and J. Casados, Deputy Clerk

A076394 The People

v.

Larry John Pedersen.

Cause called and argued by Eva M. Henao, counsel for appellant, and Clifford K. Thompson, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A078003 United Public Employees Local 790, AFL CIO,

v.

Board of Port Commissioners of the Port of Oakland et al.

Cause called and argued by Janice Johnson, counsel for respondent, and William Boone, counsel for appellant. Cause ordered submitted.

A078664 Johanna Hoyt,

v.

Walter Strauss.

Cause called and argued by William Coverdale, counsel for appellant, and Andrew A. Vandeveld, counsel for respondent. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, May 4, 1998

DIVISION ONE

A068499 -- Rena Weeks v. Baker & McKenzie et al.

Although we find that the award of fees in the first instance was proper, we cannot find sufficient public or private reason in the factors cited by the trial court for the use of a multiplier of 1.7 in this case. Since it is well settled that “[t]he ‘experienced trial judge is the best judge of the value of professional services rendered in his court, and while his judgment is of course subject to review, it will not be disturbed unless the appellate court is convinced that it is clearly wrong.’ [Citations.],” *Serrano III, supra*, 20 Cal.3d at p. 49), the order awarding attorney fees is reversed and remanded to the trial court for reconsideration in accordance with the principles discussed in our opinion.

The judgment is affirmed. Weeks is awarded her costs on appeal and is entitled to attorney fees incurred in responding to the appeal. Stein, J. We concur: Strankman, P.J., Dossee, J. (Certified for Publication.)

A081497 -- The People v. Martin Aaron Monroe.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

A073127 -- Bay Area Land Watch v. County of San Mateo et al., Watson Communication Systems, R.P.I.

By The Court: The written opinion filed April 22, 1998, contains clerical errors requiring correction. Rehearing is granted on the court’s own motion. The corrections do not effect a change in the judgment. Kline, P.J.

Monday, May 4, 1998 (continued)

A075598 -- Lennar Homes, Inc. et al. v. The Travelers Indemnity Company.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A076416 -- Alameda Little Theatre, Inc. v. David O. Plummer et al.

The judgment is affirmed. Respondent is awarded its costs on appeal. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

A080280 -- One Hour Cleaners et al. v. Workers' Compensation Appeals Board and Betty Dennis.

The Court: The petition for writ of review is denied. Kline, P.J.

A080963 -- The People v. Bobby Joe Cummings.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A082127 -- In re Willie Wager, on Habeas Corpus.

By The Court: Having reviewed the confidential reports at issue herein, the petition for writ of habeas corpus is denied. Kline, P.J.

A082452 -- In re Patrick A. Martinez, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Monday, May 4, 1998 (continued)

DIVISION FOUR

A077955 -- Friends of Marina Del Rey et al. v. California Coastal Commission, County of Los Angeles et al, R.P.I.

The purported appeal from the order quashing noticed depositions is dismissed. The judgment is affirmed. The County and the Commission shall recover their costs of appeal. Poché, Acting P.J. We concur: Reardon, J., McGuiness, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, May 5, 1998

DIVISION TWO

A078588 -- Jon C. Fretland v. County of Humboldt.

The judgment is affirmed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Certified for Partial Publication.)

DIVISION THREE

A078947 -- United Services Automobile Association v. Dollar Rent A Car Systems, Inc.

Affirmed.

Dollar is entitled to costs on appeal. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A072550 -- The People v. Richard Wesley Faulks.

The judgment - including the included findings of competency, guilt and sanity and the sentence of life imprisonment without possibility of parole - is affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

Tuesday, May 5, 1998 (continued)

DIVISION FIVE

A079958 -- World Savings and Loan Association v. The Superior Court of Alameda County, Ellen A. Esposito et al., R.P.I.

We have advised the parties we might act by issuing a peremptory writ in the first instance. (See *Palma v. U.S. Industrial Fasteners, Inc* (1984) 36 Cal.3d 171, 177-180.) Generally this Court will employ “the accelerated *Palma* procedure...only when petitioner’s entitlement to relief is so obvious that no purpose could reasonably be served by plenary consideration of the issue...or when there is an unusual urgency requiring acceleration of the normal process.” (*Ng v. Superior Court* (1992) 4 Cal.4th 29, 35.) Here, there is no purpose to be served by oral argument because World’s right to relief is clear.

Let a peremptory writ of mandate issue commanding respondent superior court to vacate its order denying the motion to enforce the stipulation, and to enter a new and different order granting the motion and directing real parties to dismiss their complaint with prejudice forthwith.

World shall recover its costs in this writ proceeding. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, May 6, 1998

DIVISION ONE

A080024 -- Robert Meyer et al. v. Rudolph Caparros.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Dossee, J. (Not for Publication.)

DIVISION TWO

A079199 -- In re Darryl and Angelica B., Persons Coming Under the Juvenile Court Law.

The jurisdictional order is amended to strike the finding of jurisdiction pursuant to section 300, subdivision (g). As amended that order is affirmed. The dispositional order is reversed. The case is remanded for the trial court to expeditiously conduct a new dispositional hearing at which time any current information regarding the appropriate placement of Darryl and Agelica must be considered. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

A078572 -- In re Keith K., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Phelan, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

Wednesday, May 6, 1998 (continued)

DIVISION FIVE

A075779 -- Susan Vineyard v. Total Trade et al.

The judgment is affirmed. The parties to bear their own costs on appeal. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

A077439 -- The People v. Sadakao Antonio Whittington.

We affirm the judgment. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, May 7, 1998

DIVISION ONE

A076562 -- National American Bank v. Y. C. Yu et al.

A077171 -- National American Bank v. Y. C. Yu et al.

The order awarding attorney fees is reversed and the matter remanded for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed.

The parties shall each bear their own costs on appeal. Swager, J. We concur: Strankman, P.J., Dossee, J. (Not for Publication.)

A079332 -- The People v. Clifford Lex Rhoads.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A082159 -- In re: Kevin Riggs on Habeas Corpus.

A082160 -- In re: Brian Robert Censale on Habeas Corpus.

A082161 -- In re: Kevin Henry Kinman on Habeas Corpus.

A082162 -- Inre: Jaida Hamala Mafahali on Habeas Corpus.

By The Court: The above entitled appeals are transferred from Division One to Division Two of this court. Two appeals which raise the same legal question (A079217, A080380) were previously filed in Division Two. This transfer is made in compliance with this court's Internal Operating Practices and Procedures, Section 21(b), and Rule 20(b)(1) of the California Rules of Court. Strankman, Administrative Presiding Justice.

Thursday, May 7, 1998 (continued)

DIVISION THREE

A078140 -- Pamela A. Berg v. Jerry B. Abbott.

The judgment is affirmed. Costs on appeal are awarded to Abbott. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A079479 -- The People v. Eric Eugene Wright.

Wright's counsel has filed a brief raising no issues, and asking us for an independent review under *People v. Wende* (1979) 25 Cal.3d 436. We agree with counsel that there are no arguable issues, and affirm the judgment. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

DIVISION FIVE

A075617 -- G. S. Roe v. State Personnel Board, et al., Department of Justice, et al., R.P.I.

By The Court: We grant Roe's motion in part. The remittitur issued on April 7, 1998 shall be recalled. The court's opinion filed on January 15, 1998 shall be amended as follows: On page 19, add the following sentence at the end of the paragraph in the section entitled "DISPOSITION": "The parties shall bear their own costs on appeal." (See Cal.Rules of Court, rule 26.)

Roe's request that we stay issuance of a new remittitur is denied. This order does not effect a change in the judgment. Jones, Acting P.J.

A079402 -- California Labor Federation, AFL-CIO, et al. v. Industrial Welfare Commission

The order of the trial court denying the petition for a writ of mandate is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Certified for Publication.)

Thursday, May 7, 1998 (continued)

A079663 -- City and County of San Francisco v. Elena G. Egan.

We reverse and remand for a computation of the amount of support that is payable for the entire period during which Edwin's father received public assistance for the benefit of Edwin. Each party shall bear its own costs. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, May 8, 1998

DIVISION ONE

A078025 -- The People v. Howard Hart Clarida, Jr.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

**A076814 -- Conservatorship of the Person and Estate of Joseph Zumwalt.
Solano County Public Guardian v. Joseph Zumwalt.**

Appellant having failed to carry his burden, nonsuit was appropriate as a matter of law and the judgment is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A078892 -- The People v. Musio Logo Guerrero.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A079587 -- The People v. Paul Murguia III.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A082576 -- In re John Herron, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Friday, May 8, 1998 (continued)

DIVISION THREE

A076394 -- The People v. Larry John Pedersen.

The judgment is affirmed. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

A078846 -- Harriet Capito, as Co-executor, etc., et al. v. Ella Fehl et al.

We affirm the judgment. Costs on appeal are awarded to the estate. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

A079116 -- The People v. David John O'Brien.

Affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A079135. -- The People v. Carl Jay Stevens.

Defendant was represented by competent counsel, and the record amply supports the court's ruling. We find no arguable issues. The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A079280 -- The People v. Yusuf Ali Smith.

The judgment is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

DIVISION FIVE

A078237 -- The People v. Michael Pechenkov.

The judgment is affirmed. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

Friday, May 8, 1998 (continued)

A079139 -- The People v. Lawrence Chester Prosser.

The judgment is affirmed. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, May 11, 1998

DIVISION TWO

A077448 -- The People v. William Edmund Macklin.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, May 12, 1998

DIVISION ONE

A077005 -- Angelo Arena v. Owens Corning et al.

Our conclusion that the trial court erred in failing to apply the provisions of Proposition 51 in the instant case, coupled with the failure to make an allocation of noneconomic damages, requires a remand for that calculation. Owens Corning presented the trial court with a proposed allocation of fault percentages, which indicates that Owens Corning thought there were sufficient evidence upon which to make such allocations. The instant case was tried primarily on deposition and video taped testimony, which could supply a sufficient factual basis for the trial court to make such allocations. We will, therefore, remand the matter to the trial court for such further proceedings as it deems necessary in order to make appropriate allocations pursuant to Proposition 51. In all other respects, the judgment is affirmed. Each party shall bear its own costs on appeal. Dossee, J. We concur: Stein, Acting P.J., Swager, J. (Certified for Partial Publication.)

A078062 -- Lester Davis v. Fireman's Fund Insurance Company.

The judgment is affirmed. Strankman, P.J. We concur: Dossee, J., Swager, J. (Not for Publication.)

A078350 -- Robert Adcock et al. v. Valley Forge Insurance Company.

The judgment is affirmed. Stein, Acting P.J. We concur: Dossee, J., Swager, J. (Not for Publication.)

A078919 -- Robert Ulrich v. City of Oakland.

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

Tuesday, May 12, 1998 (continued)

A079031 -- The People v. David Eugene Gutierrez.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A079146 -- Veana Grace Silva Pearson v. County of Marin et al.

The order granting a new trial is affirmed. Respondent shall recover costs on appeal. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A079538 -- Mary Morrison v. Peggy Tatro, et al.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Dossee, J. (Not for Publication.)

DIVISION THREE

A073506 -- The People v. Frederick Benard Savannah.

The judgment is ordered modified to strike the Penal Code section 12022.7 enhancement imposed and stayed on defendant's conviction of mayhem (count two). As modified, and in all other respects, the judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

DIVISION FIVE

A081040 -- The People v. James Dorsey Bratcher.

The judgment is affirmed. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FOUR

Tuesday, May 12, 1998

Court convened at 9:30 a.m. in its courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Hanlon, P.J., Poche, J. and Reardon, J.; Channing Hoo, Deputy Clerk; CHP Officer Terry Tracy, Bailiff.

- A076670 Commercial Discount Associates et al.
 v.
 Harry Blumenthal et al.
 Cause called and argued by Gary Garfinkle, counsel for appellants
 Associates et al., and by James D. Holden and Richard Wallace, counsel
 for respondents. Cause ordered submitted.
- A078021 Christina M. Sagonowsky et al.
 v.
 Antonia L. More
 Counsel waived oral argument shortly before the hearing.
- A078305 Stefan Mrozowski
 v.
 Antonia L. More
 Counsel waived oral argument.
- A079571 Clear-Com Intercom Systems, Inc. et al.
 v.
 Harry J. Williby
 Cause called and argued bin pro per appellant Harry J. Williby, and by
 Denise M. DeRose, counsel for respondents. Cause ordered submitted.

At this point, the court reconstituted itself to include Poche, Acting P.J., Reardon, J. and McGuiness, J.

A077735

Peter Loskouski

v.

California State Personnel Board et al.

Professional Engineers in California Government et al.

Cause called and argued by Dennis F. Moss, counsel for appellants Professional et al., and by Dorothy Bacskai Engel and Paul M. Starkey, counsel for respondents. Cause ordered submitted.

The court adjourned at 11:04 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, May 13, 1998

DIVISION TWO

A079635 -- Patricia A. Jones et al. v. Anek Dumrichob.

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Certified for Publication.)

A082137 -- Allianz Insurance Company v. The Superior Court of Alameda County, Contra Costa Water District, R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

A082445 -- Floyd Ray L. v. Superior Court of the County of Alameda, Alameda County Department of Social Services, R.P.I.

By The Court: The petition for writ of mandate/stay is denied. We find no basis for any challenge to the setting of the Welfare and Institutions Code section 366.26 hearing. (See *Joyce G. v. Superior Court* (1995) 38 Cal.App.4th 1501; *Maribel M. v. Superior Court* (1998) 72 Cal.Rptr.2d 536.) Kline, P.J.

A082568 -- Macromedia, Inc., et al v. The Superior Court of San Francisco County, Barbara Rosen, et al, R.P.I.

By The Court: The issue raised by the petition is currently pending before the California Supreme Court. (*Diamond Multimedia, Inc. v. Superior Court*, S058723, review granted March 27, 1997.) Any review by this court of the merits of the petition would thus be academic. Accordingly, the petition for writ of mandate/stay is denied. Petitioners are free to seek a grant of review or a grant and hold by the Supreme Court. (Cal. Rules of Court, rule 29.2, subd.(c).) Kline, P.J.

Wednesday, May 13, 1998 (continued)

A082629 -- Exxon Corporation v. The Superior Court of San Francisco County, Charles B. Wheeler, R.P.I.

By The Court: The petition for writ of mandate/stay is denied. Kline, P.J.

A082654 -- Employers Reinsurance Corporation v. The Superior Court of San Mateo County, TIG Insurance Company, R.P.I.

By The Court: The petition for writ of mandate/stay is denied. Haerle, Acting P.J.

DIVISION THREE

A074646 -- The People v. Elliot Chunpong Kwok.

The judgment is affirmed. Phelan, P.J. We concur: Parrilli, J., Walker, J. (Certified for Partial Publication.)

A081603 -- Sherry S. v. Sonoma County Superior Court, Department of Human Services, R.P.I.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art IV, § 14; *Kowis v. Howard*(1992) 3 Cal.4th 888, 894;*Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for May 20, 1998. Therefore, this opinion is final as to this court immediately. (Cal. Rules of Court, rule 24(d).) Phelan, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A079213 -- The People v. Olivero Melendez Vargas.

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Wednesday, May 13, 1998 (continued)

DIVISION FIVE

A078309 -- Song Wha Lee v. Elton Behrens et al.

The trial court's order regarding attorney fees is affirmed in all respects.

The trial court's order regarding expert witness fees is reversed, and the matter is remanded to the trial court with instructions to reconsider the matter and enter a new order relative to the expert witness fees requested, in accordance with the views expressed herein.

The parties shall bear their own costs on appeal. Peterson, P.J. We concur:
Haning, J., Jones, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, May 13, 1998

The Court met at 9:30 a.m. in its courtroom at 303 - Second Street, 4th Floor, San Francisco. Present: Kline, P. J., Haerle, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A077155 Eric Hoopes
v.
Truck Insurance Exchange, et al.
Cause called and argued by William Weissman, counsel for appellant and Arthur Schwartz, counsel for respondent. Cause ordered submitted.
- At this point in the proceedings, Justice Ruvolo left the bench and Justice Lambden joined the bench.
- A076288 Carol Meehan
v.
Ann M. Feola
- A076377 Mara Ribbin
v.
Ann M. Feola
Causes called and argued by Matthew Cohen, counsel for appellant and Daniel Berko, counsel for respondents. Submission deferred. Counsel granted until May 18, 1998 to file a supplemental declaration.
- A078754 Estate of Louella Starkweather, Deceased
Kimberly Belshe, etc.
v.
United States Fidelity & Guaranty Co.
- A078996 Kimberly Belshe, etc.
v.
United States Fidelity & Guaranty Co.
Causes called and argued by Charlton Holland, Deputy Attorney General, counsel for appellant Belshe and Arthur Park, counsel for Respondent, United States Fidelity & Guaranty Co. Causes ordered submitted.

A078480 Madeline Harris
 v.
 Civil Service Commission
Cause called and argued by Andrea Brott, counsel for appellant and M.
Diane Weber, counsel for respondent. Cause ordered submitted.

A080474 Lee R. Stafford, et al.
 v.
 Mach Toan, et al.
 Allstate Insurance Company
Cause called and argued by Albert Levy, counsel for appellant and George
Weickhardt, counsel for respondent. Cause ordered submitted.

A078976 Mary B. Smith, et al.
 v.
 Cleary Consultants, Inc.
Cause called and argued by Shella Deen, counsel for appellant and Robert
Hendrickson, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Haerle, J.,
Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

Justice Kline announced that the panel on the first case would consist of
himself and Justices Lambden and Ruvolo and that the panel on the
remaining cases would be Justices Haerle, Lambden and Ruvolo.

A077477 Thomas G. Atwood, et al.
 v.
 Frances Liston, et al.
Cause called and argued by Albert Polonsky, counsel for appellants and
Michael Franchetti and Roger Peters, counsel for respondents. Cause
ordered submitted.

A079924 Thomas M. Thompson, et al.
 v.

Department of Corrections, et al.

Cause called and argued by Susan Lee, Deputy Attorney General, counsel for appellant and Jordan Eth, counsel for respondent. Cause ordered submitted.

A079355 Robert Marx, et al.

v.

Board of Directors of Bel Marin Keys Community Services District

Cause called and argued by James Lorenzato, counsel for appellants and Thomas Birmingham, counsel for respondent. Cause ordered submitted.

A079271 Karen Gatton, et al.

v.

A.P. Green Services

Cause called and argued by Harry F. Wartnick, counsel for appellants and Robert Betette, counsel for respondent. Cause ordered submitted.

A079763 County of Santa Cruz

v.

State Board of Forestry, et al.

Cause called and argued by Dwight L. Herr, counsel for appellant and Marc Melnick, counsel for respondents. Cause ordered submitted.

Court recessed until Thursday, May 14, 1998 at 9:30 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, May 14, 1998

DIVISION ONE

A075542 -- Marie I. Grant v. St. Francis Square Cooperative, Inc.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Dossee, J. (Not for Publication.)

DIVISION TWO

A075154 -- The People v. Jeffrey Payton Bryden et al.

A080988 -- In re Joaquin Leon Padin on Habeas Corpus.

Order Modifying Opinion and Denying Rehearing; The Court: It is ordered that the opinion filed herein on April 16, 1998, be modified in the following particulars: (See Order) The above order does not reflect a change in the judgment, and the petition for rehearing is denied. Kline, P.J. (Certified for Partial Publication)

A081770 / A081772

In re Brian S. et al., Persons Coming Under the Juvenile Court Law.

Joseph S. and Sylvia S. v. Superior Court of the County of Solano, Solano County Health and Social Services Department, R.P.I.

The juvenile court's order regarding Brian S. and Ryan S. is affirmed.

The petition for extraordinary writ concerning John S. and Sean S. is denied on the merits. Since the permanency planning hearing is presently set for May 28, 1998, our decision on the writ petition as to John S. and Sean S. is final as to this court immediately. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

Thursday, May 14, 1998 (continued)

DIVISION THREE

A077179 -- In re the Marriage of Robert L. and Judy O. Casteel.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

DIVISION FIVE

A076193 / A077868 -- In re the Marriage of Olga and James H. Disney.

In appeal No. A076193, the judgment of Judge Spinetta and his order imposing sanctions against appellant are affirmed. In Appeal No. A077868, the order of Judge Simons is affirmed. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

A076707 -- The People v. John Chandler Thomas.

The judgment is amended to reflect a single conviction of section 288.5. The judgment is otherwise affirmed. The matter is remanded with instructions to reconsider appellant's motion to disclose juror identifying information. In the event the court does not set the motion for hearing, it shall set forth its reasons therefor in compliance with Code of Civil Procedure section 237. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

A078514 -- Saeed M. Safieslamy v. Robert T. Levine.

Order Modifying Opinion and Denying Rehearing; By The Court: It is ordered that the opinion filed herein on April 28, 1998, be modified in the following particulars: (See Order) This modification does not affect the judgment.

The petition for rehearing is denied. Peterson, P.J. (Not for Publication.)

Thursday, May 14, 1998 (continued)

A079251 -- Nicolino Group, Inc. v. Automated Security (Holdings) PLC et al.

The judgment is affirmed. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

A079649 -- Ning Shu Lim v. The Municipal Court of San Francisco County, The People, R.P.I.

We treat the return as a concession of error. No purpose would be served by oral argument. Accordingly, LET A PEREMPTORY WRIT OF MANDATE ISSUE commanding respondent Municipal Court of San Francisco County to grant petitioner's motion to dismiss the complaint in People v. Ning Shu Lim, San Francisco Municipal Court Case No. 1665243, and to dismiss the complaint forthwith. This opinion is final forthwith. (Cal. Rules of Court, rule 24(d).) Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Thursday, May 14, 1998

The Court met at 9:30 a.m. in its courtroom at 303 - Second Street, 4th Floor, San Francisco. Present: Kline, P. J., Haerle, J., Ruvolo, J., and I Santos, Deputy Clerk.

- A079582 RTC Mortgage Trust 1994-N2, et al.,
 v.
 Robert G. Burlingame.
Cause called and argued by Marc S. Mazer, counsel for appellant, and Robert Kaplan, counsel for respondent. Cause ordered submitted.
- A074676 North Oakland Medical Clinic et al.,
 v.
 James M. Rogers et al.
Cause called and argued by Edward Ardzrooni, counsel for appellant, and Rodney A. Marraccini, counsel for respondent. Cause ordered submitted.
- A076324 Robert Scheiding et al.,
 v.
 General Motors.
- A076333 Kathleen Hellquist etc.,
 v.
 General Motors.
- A076341 Gaylord Blackburn et al.,
 v.
 General Motors.
- A076352 Thelma Goodyear etc.,
 v.
 General Motors.
- A076730 Billy D. Umphriss et al.,
 v.
 General Motors.
Cause called and argued by James Oberman, counsel for appellant, and Thomas Hutchinson, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Haerle, J., Ruvolo, J. and I. Santos, Deputy Clerk.

- A077817 Conchita Mixon,
v.
Carpenter Funds Administrative Office of Northern California, Inc.
Cause called and argued by Eugene Orick, counsel for appellant, and
Michael Nelson, counsel for respondent. Cause ordered submitted.
- A077495 David F. Dane,
v.
The Travelers Insurance Co. et al.
Before the cause was called, Justice Kline asked Kelly Franks, counsel for
2 of the 3 respondents, why a stipulation for dismissal was filed with the
court so late in the process of the appeal. Justice Kline informed counsels
that the stipulation would be taken under submission.
Cause called and argued by Richard Canatella, counsel for appellant, and
James Wraith, counsel for respondent. Cause ordered submitted.
- A077823 Gail Franklin-Werblin,
v.
Paging Network, Inc., et al.
Cause called and argued by Mark Anderson, counsel for appellant, and
Leon Bloomfield, counsel for respondent. Cause ordered submitted.
- A079641 Fredrick Meiswinkel, Inc.
v.
Oakland State Office Building Authority et al.
Cause called and argued by Paul Aherne, counsel for appellant, and
Richard Lund and Alexander Bannon, counsel for respondent. Cause
ordered submitted.
- A078599 The People,
v.
John Dorsey Henderson.
Cause called and argued via teleconference by Paula Rudman, counsel for
appellant, and Christopher Grove, Deputy Attorney General, counsel for
respondent. Cause ordered submitted.

COURT ADJOURNED.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, May 15, 1998

DIVISION ONE

A076485 -- The People v. Joseph Bell et al.

The judgments are affirmed. Dossee, J. We concur: Stein, Acting P.J., Swager, J.
(Not for Publication.)

A077541 -- The People v. Stephan Nino Williams.

The judgment is affirmed. Dossee, J. We concur: Strankman, P.J., Swager, J.
(Not for Publication.)

A079002 -- The People v. Darrell Grant.

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not
for Publication.)

DIVISION TWO

A076563 -- Michiko Zepeda et al. v. T.Y. Lin International, Inc. et al.

The judgment is affirmed in part and reversed in part. We affirm the granting of the JNOV on the claim for breach of section 9.3 of the SPA, and the granting of a new trial on the breach of contract claims in the amended cross-complaint. We reverse the directed verdict and remand for a court trial on the issue of breach of the escrow agreements. We also reverse the court's granting a new trial on appellants' claim that respondents breached section 9.3 of the SPA. The parties are to pay their own costs on appeal. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Friday, May 15, 1998 (continued)

A077427 -- The People v. Glenn Lewis Webb.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A079698 -- The People v. Kevin Lee Fields.

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A081832 -- In re David and Christina S., Persons Coming Under the Juvenile Court Law.

The petition is dismissed and our decision is final as to this court forthwith. (Rule 24(d).) Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A082614 -- In re Ronald Dewayne Charles, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION THREE

A077560 -- James C. Threat, Jr., as Administrator, etc. v. Carmen J. Franklin, as Co-administrator, etc., et al.

The judgment is affirmed. The parties shall bear their own costs on appeal. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

Friday, May 15, 1998 (continued)

DIVISION FOUR

A076539 -- Lashun Moore v. Rochester Midland, Inc., et al.

The judgment is reversed. Appellant Moore shall recover her costs on appeal. McGuiness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

A079558 -- In re Jacob S., a Person Coming Under the Juvenile Court Law.

In sum, substantial evidence supports the findings of the juvenile court. The judgment is affirmed. McGuiness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

A079857 -- The People v. Derek Hendricks.

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., McGuiness, J. (Not for Publication.)

A081072 -- In re Lenwood W., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. McGuiness, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

DIVISION FIVE

A080930 -- The People v. Thyris Hent Hughley.

The judgment is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, May 18, 1998

DIVISION FOUR

A078912 -- In re Kennard P., a Person Coming Under the Juvenile Court Law.

The dispositional order committing appellant Kennard P. to the CYA is affirmed.
Poché, Acting P.J. We concur: Reardon, J., McGuiness, J. (Not for Publication.)

DIVISION FIVE

A079595 -- Donald L. Granata v. City of Lafayette et al.

The judgment is affirmed. The parties shall bear their own costs on appeal.
Peterson, P.J. Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

Monday May 18, 1998

Court convened at 9:00 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Corrigan J., Parrilli J., and C. Turner, Deputy Clerk

A076991 James C. McIntosh, et al
 v.
 Charles Butler, et al.,
 Cause called and argued by Douglas Applegate, counsel for appellant, and
 Kenneth Adelson, counsel for respondent. Cause ordered submitted.

A080883 In re the Marriage of Plante:
 Michael Plante,
 v.
 Diana Wallin,
 Cause called and argued by Michael Plante, counsel for appellant, and
 Harry L. Styron, counsel for respondent. Cause ordered submitted.

A075614 Andre Baldanza,
 v.
 Delta Airlines,
 Cause called and argued by Lawrence Viola, counsel for appellant, and
 Gilmore Diekmann, counsel for respondent. Cause ordered submitted.

A081459 Taiwan Shin Yeh Enterprise Co., LTD.,
 v.
 The Superior Court of San Francisco County,
 Pacific Employers Insurance Co.,
 Cause called and argued by Kevin M. Sullivan, counsel for appellant, and
 John H. Quinn, counsel for respondent. Cause ordered submitted.

Justice Walker took his place on the bench.

A081713 Jesus A.,

v.

The Superior Court of San Francisco County,

Department of Social Services, et al,

Cause called and argued by Denise Nolan, counsel for petitioner, and Mark Estes, Deputy County Counsel, counsel for Real Parties in Interest, arguing via-teleconference. Cause ordered submitted.

A081877

Javier N.,

v.

The Superior Court of Alameda County,

Department of Social Services, et al.,

Cause called and argued by Esther Rosenfeld, counsel for petitioner, and Anthony Scarr, Deputy County Counsel, counsel for Real Parties in Interest. Cause ordered submitted.

Court recessed until 1:30 p.m.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

Monday May 18, 1998

Court convened at 1:30 p.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Corrigan J., Parrilli J., Walker, J., and J. Casados, Deputy Clerk

A081820 Valerie M. Edlund
 v.
 Gregory T. Hales.
Cause called and argued by Russell Hanlon, counsel for appellant, and
Micheline Insalaco, counsel for respondent. The court grants the petition
for writ of supersedeas and will expediate the appeal.

A080528 Jaime Pena,
 v.
 Manuel A. Faria.
Cause called and argued by Jaime Pena, in pro per, and Robert Taylor,
counsel for respondent. Cause ordered submitted.

A079045 The People,
 v.
 Rodney Anthony Wright.
Cause called and argued by Janet Gaard, Deputy Attorney General, counsel
for appellant by telephone conference, and Marylou Hillberg, counsel for
respondent. Cause ordered submitted.

A077007 Justice Phelan left the bench.
 In re Marriage of McKittrick.
A078355 Michael McKittrick
 v.
 Suzanne McKittrick.
Cause called and argued by Michael McKittrick, in pro per, by telephone
conference, and Suzanne McKittrick, in pro per. Cause ordered submitted.

A077116	The People v. Charles Anthony Falsetta. Cause called and argued by Martin Buchanan, counsel for appellant, and Linda Murphy, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
A077677	Estate of Dave Peeler, Deceased. Ellis Brown, v. Avonnet Peeler et al. Cause called and argued by Lawrence Gibbs, counsel for appellant, and George McNitt, counsel for respondent. Cause ordered submitted.
A074959	Costco Wholesale Corporation, v. G & B Beverages and Foods, Inc., et al. Cause called and argued by Reed Harvey, counsel for appellants, and by Warren Rheäume, counsel for respondent. Cause ordered submitted. Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, May 19, 1998

DIVISION ONE

A077381 -- Aes Pacific, Inc. v. Pacific Gas & Electric Company.

The judgment is affirmed. Dossee, J. We concur: Stein, Acting P.J., Swager, J.
(Not for Publication.)

A078074 -- Metro-Risk, Inc., et al. v. Marsh & McLennan, Inc.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Dossee, J. (Not
for Publication.)

A079065 -- Joseph Albert Scallorn v. Kirk-Mayer, Inc., et al.

The judgment is affirmed. Dossee, J. We concur: Strankman, P.J., Stein, J. (Not
for Publication.)

DIVISION TWO

A078416 -- Hale M. Knight et al. v. John Schick, Executor and Trustee, etc.

The trial court's order determining the persons entitled to distribution of estate
assets is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A082570 -- Eric Williams v. The Superior Court of San Francisco County, The
People of the State of California, R.P.I.**

By The Court: The petition for writ of prohibition/stay is denied. Kline, P.J.

Tuesday, May 19, 1998 (continued)

DIVISION THREE

A064778 -- The People v. John Malone.

Order Denying Petition for Rehearing and Modifying Opinion; The Court: The petition for rehearing is denied. It is ordered that the opinion filed herein on April 27, 1998, be modified in the following particular: (See Order) Phelan, P.J. (Not for Publication.)

A078245 -- The People v. Darryl Weiss.

The judgment is affirmed. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A078496 -- Colneler Cooper et al. v. Safeway Stores, Inc., et al.

The order is affirmed. Costs to respondents. Phelan, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

A080883 -- In re the Marriage of Michael Plante and Diana Wallin.

The appeal is dismissed. Phelan, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A076670 -- Commercial Discount Associates et al. v. Harry Blumenthal et al.

The judgment is affirmed. The parties shall bear their own costs on this appeal. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

Tuesday, May 19, 1998 (continued)

DIVISION FIVE

A078987 -- In re Marriage of Robin and Kelvin Crummett.

The judgment is affirmed. Costs to respondent. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT

DIVISION FIVE

Tuesday, May 19, 1998

Court convened at 9:30 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Peterson, P.J.; Haning, J.; Jones, J.; and Richard H. Sandvik, Deputy Clerk.

- A078090 David Glenn et al.
 v.
 Mannie Joel et al.
Cause called and argued by William D. Thomson, counsel for appellant, via teleconference, counsel for respondent did not appear. Cause ordered submitted.
- A078967 Seymour Block
 v.
 Major League Baseball et al.
Cause called and argued by Ronald S. Katz, counsel for appellant, and by Martin R. Glick and Peter Jakab, counsel for respondent. Cause ordered submitted.
- A080297 The People
 v.
 Ronald J.
Cause called and argued by Alan Stern, counsel for appellant, and by Frances Marie Dogan, Deputy Attorney General, counsel for respondent, via teleconference. Cause ordered submitted.
- A079001 The People
 v.
 Porfirio Cruz Hernandez
Cause called and argued by Alan Stern, counsel for appellant, and by Edward P. O'Brian, Deputy Attorney General, counsel for respondent,

via teleconference. Cause ordered submitted.

A080306 In re George William Roberts on habeas corpus.
A078318 The People
 v.
 George William Roberts
 Cause called and argued by J. Frank McCabe, counsel for appellant, and
 by Mark S. Howell, Deputy Attorney General, counsel for respondent, via
 teleconference. Cause ordered submitted.

A079214 The People
 v.
 Kriten Leigh Braz
 Cause called and argued by James Joseph Lynch, counsel for appellant,
 via telephone conference, and by Ross C. Moody, Deputy Attorney
 General, counsel for respondent. Cause ordered submitted.

A079954 In re Kari D., a minor
 The People
 v.
 Kari D.
 Curt Q. Harris
 Cause called and argued by Gary A. Gonzalez, counsel for appellant, and
 by Ross C. Moody, Deputy Attorney General, counsel for respondent.
 Cause ordered submitted.

A076528 The People
 v.
 Gregory Grotemeyer
 Cause called and argued by Donald M. Horgan, counsel for appellant,
 and by Martin S. Kaye, Deputy Attorney General, counsel for respondent.
 Cause ordered submitted.

Court adjourned at 12:05 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, May 20, 1998

DIVISION ONE

A077037 -- The People v. Ralph Dennis Moreland, Jr.

The judgment is modified to award appellant 252 days of conduct credits, for a total of 758 days of presentence credits, and as modified is affirmed. Swager, J. We concur: Stein, Acting, P.J., Dossee, J. (Not for Publication.)

A077664 -- Waste Management of Alameda County, Inc. v. Biagini Waste Reduction Systems, Inc.

By The Court: The request to publish the opinion previously filed on April 21, 1998, is hereby granted.

The written opinion which was filed on April 21, 1998, is certified for publication with the exception of Parts I, II, III, and V.

The written opinion which was filed on April 21, 1998, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that it be published in the official reports with the exception of Parts I, II, III, and V. Stein, Acting P.J.

DIVISION TWO

A077155 -- Eric Hoopes v. Truck Insurance Exchange.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Wednesday, May 20, 1998 (continued)

DIVISION THREE

A077764 -- The People v. Robert Siordia.

For all the foregoing reasons, the judgment of conviction is affirmed. The cause is remanded to the trial court for resentencing. Phelan, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

DIVISION FOUR

**A077735 -- Peter Loskouski v. California State Personnel Board et al.,
Professional Engineers in California Government et al.**

The judgment is affirmed. Poché, Acting P.J. We concur: Reardon, J., McGuiness, J. (Not for Publication.)

DIVISION FIVE

A078737 -- Curtis Howard v. James F. Campbell.

The judgment is affirmed. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

A078999 -- The People v. Lester Parham.

The judgment is affirmed. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

Wednesday, May 20, 1998 (continued)

A082118 -- Thong X. v. Del Norte County Superior Court, Del Norte County Department of Social Services, R.P.I.

The Court: The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888.) Petitioner is barred in any subsequent appeal from making further challenges to the order terminating reunification services and setting a hearing under section 366.26. (Subd. *h*.) Since the section 366.26 hearing is set for May 22, 1998, this opinion is final as to this court forthwith. (See Cal. Rules of Court, rule 24(d).) Before Peterson, P.J.; Haning, J.; Jones, J. (Not for Publication.)

A082300/A082303 -- Karen S. et al. v. The Superior Court of Del Norte County, Del Norte County Department of Social Services, R.P.I.

The Court: Substantial evidence supports the juvenile court's findings and orders. (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 762.) The petitions for extraordinary relief are denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888.) Petitioners are barred in any subsequent appeal from making further challenges to the order terminating reunification services and setting a hearing under section 366.26. (§ 366.26, subd. *h*.) Since the section 366.26 hearing is set for May 21, 1998, this opinion is final as to this court forthwith. (See Cal. Rules of Court, rule 24(d).) Before Peterson, P.J.; Haning, J.; Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, May 21, 1998

DIVISION TWO

A077194 -- The People v. Daniel Eugene Bauer, Jr.

The judgment is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A078552 -- Robert J. Merlet v. Ralph A. Rizzo et al.

We affirm the judgment and Merlet is to pay costs on appeal. Lambden, J. We concur: Kline, P.J., Haerle, J. (Certified for Publication.)

DIVISION THREE

**A072015 -- Unisys Corporation v. California Life and Health Insurance
Guarantee Association.**

Order Modifying Opinion and Denying Rehearing; By the Court: It is ordered that the opinion filed herein on April 28, 1998, be modified as follows: (See Order) The petition for rehearing is denied. There is no change in the judgment. Phelan, P.J. (Certified for Publication.)

Thursday, May 21, 1998 (continued)

A078559 & A078590 -- Gregg Hackett et al. v. Scott Swanson et al.

The judgment in plaintiffs' favor is affirmed. Defendants shall bear the parties' costs of their appeal from that judgment. The order after judgment denying defendants' motion to tax costs is reversed. The parties shall bear their own costs of that appeal. The matter is remanded to the trial court for correction of the costs award and for determination of costs on appeal. Corrigan, PJ We concur: Parrilli, J., Walker, J. (Not for Publication.)

DIVISION FOUR

A075184; A077803 -- The People v. Matthew Forrey Holgerson, In re Matthew Forrey Holgerson, on Habeas Corpus.

The judgment is affirmed. As the trial court has granted the relief requested in the petition for writ of habeas corpus, the petition is dismissed as moot. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

A075672 -- The People v. Alfred Hebner.

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J. McGuinness, J. (Not for Publication.)

A078260 -- The People v. Alex Thomas.

Order Modifying Opinion and Denying Rehearing; By The Court: It is ordered that the opinion filed herein on April 22, 1998, be modified as follows: (See Order)

These modifications do not effect a change in the judgment.

The petition for rehearing is denied. Hanlon, P.J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Thursday, May 21, 1998

The Court met at 9:00 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Stein, Acting P.J., Swager, J. and N. Millner, Deputy Clerk.

Acting Presiding Justice Stein announced that Presiding Justice Strankman was unavailable. He informed all counsel that Presiding Justice Strankman was familiar with all the cases, has read all the briefs, and would have audio tapes from oral argument. He asked if all counsel would stipulate to continue without Presiding Justice Strankman. All counsel so stipulated.

- A081264 C.A. Terhune,
v.
Contra Costa Superior Court;
Barry Whitley, Real Party in Interest.
Cause called and argued by Bruce Slavin, counsel for petitioner, and
Ronald Boyer, counsel for real part in interest. Cause ordered submitted.
- A080290 Abraham Alonzo,
v.
Bishop William Weigand et al.
Cause called and argued by George Oliver, counsel for appellant, and Jean
C. McEroy, counsel for respondents. Cause ordered submitted.
- A079631 Information Systems and Networks Corporation,
v.
Securacom, Inc.
Cause called and argued by William T. Elieopoulos, counsel for appellant,
and Neil R. Bardack, counsel for respondent. Cause ordered submitted.

A079996

The People,

v.

Kethon Levern Triggs.

Cause called and both Kenneth D. Noel, counsel for appellant, and Matthew Boyle, Deputy Attorney General, counsel for respondent, were contacted by telephone for argument by teleconference. Due to a technical difficulty, the teleconferencing phone in the courtroom could not connect both parties to the courtroom speakers. The Court requested counsel either submit on the briefs or ask that argument be rescheduled. Both parties submitted on their briefs. Cause ordered submitted.

Court recessed until 2:00 p.m.

Court reconvened at 2:00 p.m. Present: Stein, Acting, P.J., Dossee, J., Swager, J. and N. Millner, Deputy Clerk.

At the beginning of the session, Acting Presiding Justice Stein acknowledged Justice Dossee's impending retirement at the end of the month. The Court and counsel offered congratulations and best wishes.

Acting Presiding Justice Stein then announced that Presiding Justice Strankman was unavailable. He informed all counsel that Presiding Justice Strankman was familiar with all the cases, has read all the briefs, and would have audio tapes from oral argument. He asked if all counsel would stipulate to continue without Presiding Justice Strankman. All counsel so stipulated.

A077691 The People,
 v.
 Michael L. Ferguson.
Cause called and argued by Carol Strickman, counsel for appellant, and Joan Killeen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Swager did not participate in argument of the next two cases, however, remained on the bench.

A076627 Arthur A. Loube et al.,
 v.
 Irving Loube et al.
Cause called and argued by Daniel U. Smith, counsel for appellants, and Michael Veilova, counsel for respondent. Cause ordered submitted.

A076797 Alliance Financial et al.,
 v.
 City & County of San Francisco
Cause called and argued by Richard R. Herzog, counsel for appellants, and Joe Sandoval, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Swager participated in argument of the remaining cases during the session. Justice Dossee did not participate in argument of the remaining cases, however, remained on the bench.

A079732 Transdata International, Inc.,
v.
Craig M. Hunt et al.
Cause called and argued by Philip H. Stillman, counsel for appellants, and Gary Simms, counsel for respondent. Cause ordered submitted.

A079439 Alfred J. Abrahamsen,
v.
S.F.U.S.D.
Cause called and argued by Alfred J. Abrahamsen, in pro per, and Marie Corlett Blits, counsel for respondent. Cause ordered submitted.

A078033 The People,
v.
Antonio Wise.
Cause called and argued by Martin James Elmer, counsel for appellant, and Donna Chew, Deputy Attorney General, via teleconference, counsel for respondent. Cause ordered submitted.

Court recessed until Friday, May 22, 1998 at 9:00 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, May 22, 1998

DIVISION ONE

A078321 -- Stephen Diamond, as Trustee, etc., et al. v. Aetna Life Insurance Company.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A079667 -- 20th Century Insurance Company et al. v. Chuck Quackenbush, Commissioner of Insurance of the State of California.

The judgment is affirmed. Costs to Respondent. Stein, Acting P.J. We concur: Dossee, J., Swager, J. (Certified for Publication.)

DIVISION TWO

A078299 -- The People v. Darryl Mark Robinson.

The judgment is affirmed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A079924 -- Thomas M. Thompson, et al. v. Department of Corrections, et al.

The appeal is dismissed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Certified for Publication.)

Friday, May 22, 1998 (continued)

A080075 -- The People v. David Allen Braggs.

In the totality of the circumstances presented by this record, we conclude there was sufficient corroboration to meet the standard of “a reasonable suspicion...based on [objective] articulable facts....” (*People v. Burgener, supra*, 41 Cal.3d at p. 535). The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A082357 -- Shirley Livingston, D.D.S. v. The Superior Court of Contra Costa County, Margaret Marion Bartels, R.P.I.

By The Court: The petition for writ of mandate/stay is denied. Kline, P.J.

A082448 -- Westport Insurance Corp. v. The Superior Court of Contra Costa County, Sacramento Municipal Utility District, R.P.I.

By The Court: The petition for writ of mandate/stay is denied. Kline, P.J.

DIVISION THREE

A074959 -- Costco Wholesale Corporation v. G & B Beverages and Foods, Inc., et al.

We order the judgment modified to deduct \$206,642.72 in damages awarded for attorney fees incurred as a result of PepsiCo’s claim of trademark infringement. Costco failed to present sufficient evidence at trial to substantiate this claim. In all other respects we affirm. Costco to recover costs on appeal. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A078316 -- The People v. Anselmo Leyva Martinez.

The judgment is modified to stay execution of the burglary sentence, with the stay to become permanent upon completion of the sentence on the section 289 conviction. Except as modified, the judgment is affirmed. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

Friday, May 22, 1998 (continued)

DIVISION FIVE

A075135 -- The People v. James Edward Webb.

The judgment is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Friday, May 22, 1998

The Court met at 9:00 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Dossee, Acting P.J., Swager, J. and B. Robbins, Deputy Clerk.

Acting Presiding Justice Dossee announced that Presiding Justice Strankman was unavailable. He informed all counsel that Presiding Justice Strankman was familiar with all the cases, has read all the briefs, and would have audio tapes from oral argument. He asked if all counsel would stipulate to continue without Presiding Justice Strankman. All counsel so stipulated.

- A078493 Anthony S. Allenza,
 v.
 Travelers Indemnity Co. et al.
 Cause called and argued by Susan B. Burr, counsel for appellants, and
 James A.N. Smith, counsel for respondent. Cause ordered submitted.
- A076962 Guardian Savings & Loan Association,
 v.
 MD Associates.
 Cause called and argued by William P. Hoffman, Jr., counsel for appellant,
 and Steven D. Roland, counsel for respondent. Cause ordered submitted.
- A078932/
A075518 Alpha Epsilon Phi,
 v.
 City of Berkeley Rent Stabilization et al.
 Cause called and argued by Richard Zimmer and Thom Seaton, counsel for
 appellant in the consolidated cases; and Andrew Tine, counsel for
 respondent in the consolidated cases. Cause ordered submitted.

COURT ADJOURNED

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, May 26, 1998

DIVISION ONE

A077193 -- The People v. Warren Orey.

Accordingly, the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A079112 -- Mission Lakes Homeowners Association v. Board of Directors, East Bay Regional Park District.

The judgment is affirmed. The District is awarded its costs on appeal. Stein, J. We concur: Strankman, P.J., Dossee, J. (Not for Publication.)

DIVISION TWO

A076156 -- Frank Gutierrez v. Cassiar Mining Corporation.

That portion of the judgment awarding \$37,240 in economic damages is reversed. The judgment is otherwise affirmed. Any retrial shall be limited to the issue of economic damages for costs of medical monitoring. Cassiar shall not recover costs on this appeal (Cal. Rules of Court, rule 26(c)) for the preparation of its appellant's appendix. Lambden, J. We concur: Kline, P.J., Haerle, J. (Certified for Publication.)

A077441 -- The People v. Amane Chang.

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Tuesday, May 26, 1998 (continued)

A077823 -- Gail Franklin-Werblin v. Paging Network, Inc. et al.

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A078599 -- The People v. Jon Dorsey Henderson.

The judgment of the court is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A079641 -- Frederick Meiswinkel, Inc. v. Oakland State Office Building Authority et al.

The appeal is dismissed. Costs to the Authority and CDC. Ruvolo, J. We concur: Kline, P.J., Haerle, J.

A082096 -- State Farm Fire and Casualty Co. v. Patelco Credit Union.

By The Court: The above entitled case is transferred from Division One to Division Two of this court. This order is made pursuant to Rule 20 (b) (1) of the California Rules of Court. This appeal is related to case number A081969 previously assigned to Division Two. Strankman, A.P.J.

DIVISION THREE

A073989 -- The People v. Robert Earl O'Neal.

The cause is remanded for the court to exercise its discretionary authority to strike one or more of appellant's prior convictions. The judgment is affirmed in all other respects. Phelan, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Tuesday, May 26, 1998 (continued)

A079881, A080466 -- The Recorder v. The Commission on Judicial Performance.

By The Court: The above-entitled appeals are ordered transferred from Division Two to Division Three of this court. Division Two has recused itself in these matters. This order is made pursuant to Rule 20(b)(2) of the California Rules of Court. Strankman, Administrative Presiding Justice.

A081877 -- Javier, N. v. The Superior Court of Alameda County, Alameda County Social Services Agency, R.P.I.

The petition for extraordinary writ relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The request for a stay is also denied.

The permanency planning hearing is set for June 5, 1998, Therefore, our decision is final in this court immediately. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FOUR

Tuesday, May 26, 1998

Court convened at 9:30 a.m. in its courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Hanlon, P.J., Poche, J. and Reardon, J.; Channing Hoo, Deputy Clerk; CHP Officer Terry Tracy, Bailiff.

- A076425 Margaret Lechler
v.
City and County of San Francisco et al.
Cause called and argued by Albert L. Boasberg, counsel for appellant Lechler, and by Blake Loeb and Jeffrey W. Owen, counsel for respondents. Simultaneous letter briefs within 5 days; cause shall be submitted then.
- A079662 Estate of Royal P. MacDonald, Deceased.
Page C. MacDonald
v.
Theresa Lynch Tinker et al.
Cause called and argued by Laurel Stanley, counsel for appellants Tinker et al., and by Wendy Lascher, counsel for respondent. Cause ordered submitted.

The court recessed at 10:42 a.m.

The court reconvened at 11:00 for its 11:00 o'clock calendar.

A077748

People

v.

Jovan Sfarsai Farsight

Cause called and argued by Susan Raffanti, counsel for appellant Farsight, and by Herbert Wilkinson, counsel for respondent. Cause ordered submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Reardon, J. and McGuinness, J.

A078778

Barbara Lane

v.

Lawrence H. Smith et al.

Cause called and argued by Reuben J. Becker, counsel for appellant Lane, and by Patrick Macias, counsel for respondents. Cause ordered submitted.

The court recessed at 11:40 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, May 27, 1998

DIVISION ONE

A079291 -- In re Thoang Canh T., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A079918 -- Montgomery E. Patterson v. City of Livermore.

The judgment is reversed, and the matter is remanded for further proceedings consistent with the view expressed in this opinion. Each party to bear its own costs. Stein, J. We concur: Strankman, P.J., Dossee, J. (Certified for Publication.)

DIVISION TWO

A081166 -- The People v. Arthur Glen Quier.

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Wednesday, May 27, 1998 (continued)

DIVISION THREE

A076401 -- Leo Norgart, Individually and as Administrator, etc., et al. v. Upjohn Company.

The summary judgment in favor of Upjohn is reversed and the matter remanded for further proceedings. Appellants are awarded their costs on appeal. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Certified for Publication.)

DIVISION FOUR

A078911 -- Robert H. Murphy et al. v. Robert J. Yorio et al.

The judgment is affirmed. Reardon, J. We concur: Poché, Acting P.J., McGuinness, J. (Not for Publication.)

A079571 -- Clear-Com Production Intercom Systems, Inc. v. Harry J. Williby.

The Court: The injunctions which issued contain a handwritten entry and provide as follows: "In the case of a medical emergency, defendant Harry J. Williby may go to Oakland Kaiser Hospital." Defendant objects to this provision; Clear-Com states it has no idea where the provision came from, and does not oppose its deletion. Accordingly, we modify paragraph 8 of the order by deleting the language quoted above. The Clerk of Alameda Superior Court is directed to prepare an amended order reflecting this modification and to see that the amended order is properly entered into CLETS database.

In all other respects the order is affirmed.

Each party to bear its own costs on appeal. Hanlon, P.J., Poché, J and Reardon, J. (Not for Publication.)

Wednesday, May 27, 1998 (continued)

DIVISION FIVE

A079218 -- The People v. Aaron Joseph Perry.

The judgment is affirmed. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

A080793 -- The People v. Eric W. Bell.

We affirm the judgment. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, May 28, 1998

DIVISION ONE

A073149; A074535 -- Sharon Maxwell v. Beverly Enterprises-California, Inc.

The judgment is affirmed. The parties shall bear their own costs on appeal.

Dossee, J. We concur: Stein, Acting P.J., Swager, J. (Certified for Partial Publication.)

A078732 -- In re Angela C., a Person Coming Under the Juvenile Court Law.

Accordingly, the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A080006 -- Giovanni Zocca v. Brian B. Beckwith.

The appeal is dismissed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A080394 -- Patricia Newsome v. Alta Bates Medical Center.

The order is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

DIVISION TWO

A079851 -- In re Tracy M., a Person Coming Under the Juvenile Court Law.

The CYA commitment order is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Thursday, May 28, 1998 (continued)

A082416 -- Litton Industries, Inc. v. The Superior Court of San Mateo County, Harold J. Hjelm, R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

DIVISION THREE

A071663 -- The People v. Jack Edward Cunliffe.

A079866 -- In re Jack Edward Cunliffe, On Habeas Corpus.

The judgment is affirmed, and the petition for a writ of habeas corpus is denied. Parrilli, J. We concur: Corrigan, Actg. P.J., Walker, J. (Not for Publication.)

A077116 -- The People v. Charles Anthony Falsetta.

Affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Certified for Partial Publication.)

A078704 -- The People v. Michael H.

A078875 -- The People v. Melvin H.

For the foregoing reasons, the wardship findings of the juvenile court are reversed. Phelan, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

DIVISION FOUR

A076395 -- The People v. Francis Joseph Hogue.

The judgment is affirmed. Hanlon, P.J. We concur: Poché, J., McGuinness, J. (Not for Publication.)

Thursday, May 28, 1998 (continued)

A077197 -- The People v. Otis Risper.

The judgment is affirmed. Reardon, J. We concur: Poché, Acting P.J., McGuinness, J. (Not for Publication.)

A078730 -- In re Jason R. L., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Hanlon, P.J. I concur: Reardon, J. I concur in the judgment: Poché, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, May 29, 1998

DIVISION ONE

A075454 -- The Atchison, Topeka & Santa Fe Railway Company et al. v. Ransome Company et al.

The judgment is affirmed. Costs to Respondents. Stein, Acting P.J. We concur: Dossee, J., Phelan, J. (Not for Publication.)

A076031 -- The Atchison, Topeka & Santa Fe Railway Company, et al. v. Ransome Company.

The order denying Ransome's motion for attorney fees, and striking Ransome's memorandum of costs is affirmed. Costs to Respondents. Stein, Acting P.J. We concur: Dossee, J., Phelan, J. (Not for Publication.)

A076226 -- Michael Fabianac et al. v. The Hertz Corporation et al.

The judgment is reversed and the case remanded to the trial court for further proceedings consistent with the views expressed in this opinion. Each party will bear its own costs. Stein, J. We concur: Strankman, P.J., Dossee, J. (Not for Publication.)

A076962 -- Guardian Savings and Loan Association v. MD Associates et al.

The judgment is reversed as to Barker-Pacific Group, Inc. The case is remanded for modification of paragraphs 4 and 8 of the judgment pursuant to this decision. In all other respects, the judgment is affirmed. Each party is to bear their own costs. Swager, J. We concur: Strankman, P.J., Dossee, J. (Certified for Publication.)

Friday, May 29, 1998 (continued)

A077646 -- The People v. Victor Lee Martin.

The judgment is affirmed. Dossee, J. We concur: Stein, Acting P.J., Swager, J. (Certified for Partial Publication.)

A078033 -- The People v. Antonio Wise.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A078205 -- In re the Marriage of Sieber.

The order of sanctions is reversed. The parties shall bear their own costs on appeal. Dossee, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A078493 -- Anthony S. Allenza v. The Travelers Indemnity Company et al.

The trial court was correct that Travelers failed to carry its burden of demonstrating that an enforceable arbitration agreement existed. The order appealed from is affirmed. Dossee, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A078713 -- The People v. David Arnold Ramirez.

The order appealed from is affirmed. Dossee, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A079697 -- The People v. Kenneth Rodney Dunmon.

The judgment is affirmed. Dossee, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A079996 -- The People v. Kethon Levern Triggs.

The judgment upon resentencing is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

Friday, May 29, 1998 (continued)

DIVISION TWO

A077477 -- Thomas G. Atwood et al. v. Frances Liston et al, Rene Medina et al., R.P.I. and Respondents.

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

DIVISION THREE

A078197 -- John A. Roberts v. Hutka Mini Storage et al.

The judgment is affirmed. The matter is remanded for the trial court to determine reasonable attorney fees and other costs on appeal. Corrigan, Act. P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

A078202 -- Timothy B. Manning v. Hutka Mini Storage et al.

The judgment is affirmed. The matter is remanded for the trial court to determine reasonable attorney fees and other costs on appeal. Corrigan, Act. P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

A078207 -- Tony W. Jones v. Hutka Mini Storage et al.

The judgment is affirmed. The matter is remanded for the trial court to determine reasonable attorney fees and other costs on appeal. Corrigan, Act. P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

Friday, May 29, 1998 (continued)

DIVISION FOUR

A075459 -- Daniel S. Cruvey v. Gannett Company, Inc., et al.

Judgment is favor of Gannett is affirmed. Judgment in favor of Lacy on the causes of action for libel and slander is reversed only insofar as those claims arise from her written complaint of September 22, 1994, to Gannett's department of human resources. In all other respects the judgment as to Lacy is affirmed.

Each party to bear its own costs of appeal. Saldamando, J.* We concur: Hanlon, P.J., Poché, J. *Judge of the San Francisco City and County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Certified for Partial Publication.)

A078778 -- Barbara Lane v. Lawrence H. Smith.

In sum, Lane's petition lacks merit and is, accordingly, denied. Lane's appeal is dismissed. Lane to bear costs of appeal. McGuiness, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

A080562 -- The People v. Leonard Ray Varano.

The judgment is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

DIVISION FIVE

A077995 -- Maurice A. Johnson et al. v. Shiv D. Kumar et al.

The judgment is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)